

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 28, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 21, 2010 Worksession.

Action: Approved as amended (CJS/WSB, 4-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-6317, Petition of David E. Lucia** (accessory structure/fence). Worksession held 6/16/2010.

Action: Granted Order Extending Time, (WSB/DKP, 4-0).

3. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter from Elsie Reid, Esquire, notifying the Board of changes to the special exception campus.

Action: Re-opened the record to include Ms. Reid's letter, (CJS/WSB, 4-0).

4. **CBA-2197-B, Petition of The Heights School** (private educational institution). Letter from Alvaro de Vicente, Headmaster, submitting the school's annual report for 2006-2010.

Action: Re-opened the record to include Mr. de Vicente's letter, (DKP/CJS, 4-0).

5. **S-1144, Petition of James M. Kovakas and Mary Condeelis** (accessory apartment). Memorandum from Robert Goff, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (WSB/CJS, 4-0).

6. **S-1779, Petition of Carol Jean Cancer Foundation by Beverly Gough** (charitable use/residential camp). Letter from David Freishtat, Esquire, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CJS/DKP, 4-0).

7. **S-2175, Petition of John Moeller II** (accessory apartment). Letter to the Board from Joanne Hawana requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CJS/WSB, 4-0).

PENDING ITEMS:

8. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
9. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
10. **CBA-1867-B [CBA-1867, CBA-1867-A], Petition of Jewish Community Center of Greater Washington** (nursing home, child day care facility, charitable and philanthropic institution, service organization). Letter to the Board from Edward Van Coutren, Vice President Campus Services, requesting an administration modification. [Large exhibits: special exception site plan and partial electrical site plan]. Item deferred for additional information regarding the location of the generators, the types of generators to be installed, location of generators to the neighboring properties. [WS 7/21/10].
11. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].

PENDING ITEMS (continued):

12. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
13. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
14. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
15. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
16. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker
Stanley B. Boyd - ABSENT

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 28, 2010, 9:30 a.m.

ACTION ITEM:

1. **S-2174-A [S-2174], Petition of Nextel Communication of the Mid-Atlantic, Inc.** (Public Utility Structures and Public Utility Buildings). Letter from Stephen Z. Kaufman, Esquire and Justin P. Hayes, Esquire requesting a transfer and modification of the special exception.

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification, (DKP/WSB, 4-0).

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